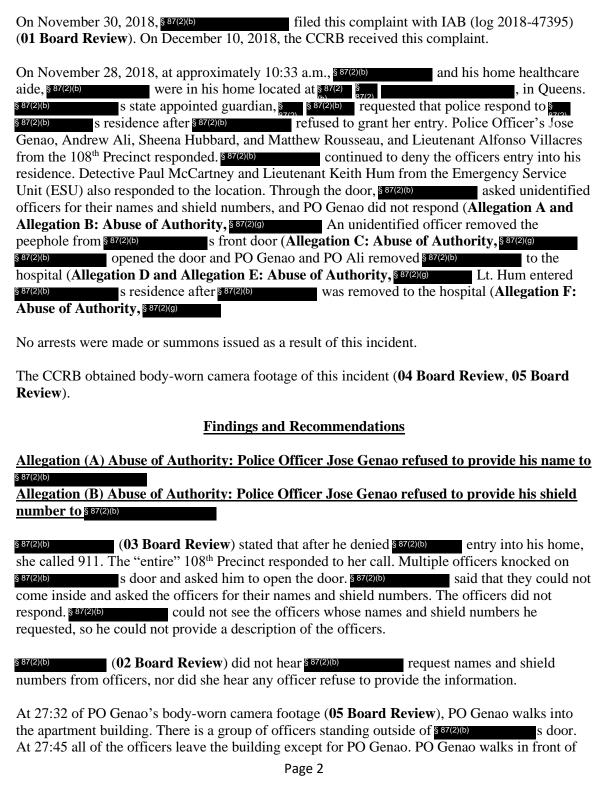
CCRB INVESTIGATIVE RECOMMENDATION

Investigator:		Team:	CCRB Case #:		Force	☐ Discourt	. U.S.
Tessa Yesselman		Squad #4	201810238	Ø	Abuse	O.L.	☐ Injury
Incident Date(s)		Location of Incident:			Precinct:	18 Mo. SOL	EO SOL
	•	§ 87(2)(b)		'			
Wednesday, 11/28/2018 10:33 AM	1	3 67(2)(0)			108	5/28/2020	1/12/2021
Date/Time CV Reported		CV Reported At:	How CV Reported:	<u>-</u>	Date/Time	Received at CC	RB
Fri, 11/30/2018 7:27 PM		IAB	Phone		Mon, 12/10	0/2018 11:07 A	M
Complainant/Victim	Type	Home Addre	ess		•		
Witness(es)		Home Addre	ess				
Subject Officer(s)	Shield	TaxID	Command				
1. POM Andrew Ali	12217	957324	108 PCT				
2. POM Jose Genao	03514	949016	108 PCT				
3. LT Keith Hum	00000	935034	ESU				
4. An officer							
Witness Officer(s)	Shield N	lo Tax No	Cmd Name				
1. LT Alfonso Villacres	00000	943928	MELD				
2. POF Sheena Hubbard	17086	952863	108 PCT				
3. POM Matthew Rousseau	15196	964264	108 PCT				
4. DTS Paul Mccartney	04238	938977	ESU				
Officer(s)	Allegatio	on			Inve	stigator Reco	mmendation
A.POM Jose Genao	Abuse: P	Police Officer Jose Genad	o refused to provide	his			
B.POM Jose Genao		Police Officer Jose Genae umber to ^{§ 87(2)(b)}	o refused to provide	his			
C. An officer	Abuse: A	An officer damaged § 87(2)	(b) s p	orop	erty.		
D.POM Andrew Ali	Abuse: P	Police Officer Andrew A to the hospital.	li forcibly removed	§ 87(2	2)(b)		
E.POM Jose Genao	Abuse: P	Police Officer Jose Genae to the hospital.	o forcibly removed	87(2))(b)		
F.LT Keith Hum	Abuse: L Queens.	Lieutenant Keith Hum en	tered § 87(2)(b)		in		

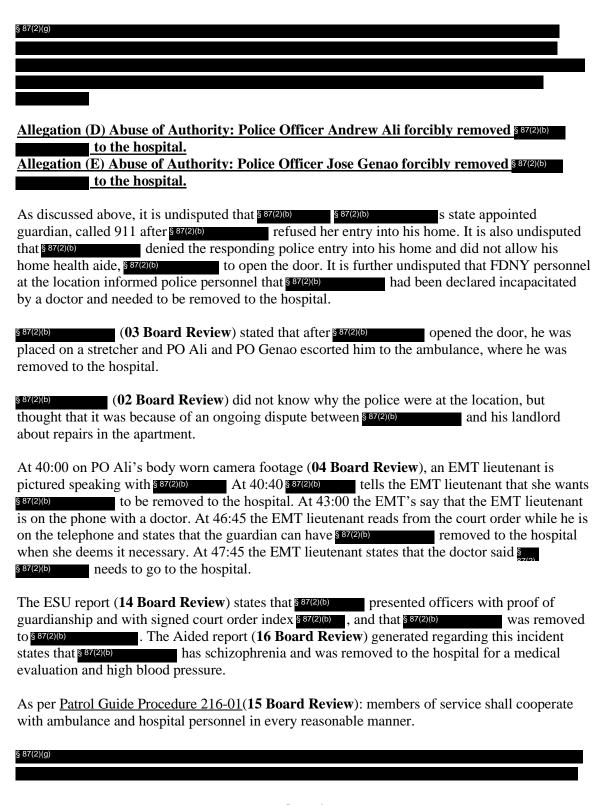
Case Summary



Body-worn camera footage does not show when the peephole was removed.

Officers may remove an apartment's peephole to assess a situation visually if the totality of information possessed by the police, including developing circumstances, warrants a reasonable belief that there is an emergency occurring inside of the apartment (People v. Guzman, 746 N.Y.S.2d 481) (**09 Board Review**).

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§ 87(2)(g)
Allegation (F) Abuse of Authority: Lieutenant Keith Hum entered in Queens.
opened the door, an officer approached him and walked him into the hallway. \$87(2)(b) did not know which officer this was and could not provide a description of him. \$87(2)(b) stated that after he was in the hallway he saw "Detective Mulligan" enter his apartment and search the hallway closet and walk into the kitchen.
(02 Board Review) did not testify to seeing any officer enter or search the apartment.
Lt. Hum (06 Board Review) stated that after \$87(2)(b) was removed to the hospital, he entered the apartment. Lt. Hum did this because \$87(2)(b) had refused to open the door and had instructed \$87(2)(b) not to open the door, and he wanted to assure that there was nobody else being held inside or was hurt inside of the apartment. Lt. Hum walked down the hallway in the apartment and looked to make sure he did not see anyone. Lt. Hum did not open any closets or doors.
The courts have established that warrantless entries into private homes are considered unconstitutional. Exceptions to this rule include emergency situations, as established in People v. Dallas , 8 N.Y.3d 890, (2007) N.Y. Emergency situations require that police must have reasonable grounds to believe that there is an emergency at hand and an immediate need for their assistance for the protection of life or property (08 Board Review). As per Maryland v. Buie , 494 U.S. 325, In doing a protective sweep, officers may only search those spaces where a person can conceivably hide (10 Board Review).
§ 87(2)(g)
Civilian and Officer CCRB Histories
• \$87(2)(b) has been party to one previous CCRB complaint and has been named a victim in three allegations (12 Board Review). • \$87(2)(b)

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- PO Ali has been a member of service for five years and has been a subject in one previous CCRB complaint and two allegations, none of which were substantiated.
- PO Genao has been a member of service for nine years and this is the first CCRB complaint to which he has been a subject.
- Lt. Hum has been a member of service for fifteen years and this is the first CCRB complaint to which he has been a subject.

Mediation, Civil and Criminal Histories

• This case was not suitable for mediation.

[§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)]

 As of February 11, 2020, the New York City Office of the Comptroller has no record of a Notice of Claim being filed regarding this complaint (17 Board Review).

Squad No.:			
Investigator:	Signature	Print Title & Name	Date
Squad Leader:	Signature	Print Title & Name	Date
Reviewer:	Signature	Print Title & Name	Date

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